

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) No. 13-CR-10200-GAO
v.)
)
DZHOKHAR TSARNAEV)

SECOND MOTION FOR CHANGE OF VENUE

The defendant, Dzhokhar Tsarnaev, by and through counsel, and pursuant to Fed. R. Crim. P. 21, and the Fifth, Sixth, and Eighth Amendments to the United States Constitution, hereby moves for a change of venue and asks the Court to move his trial outside the District of Massachusetts.

Continuing extensive pretrial publicity — including unabated law enforcement “leaks” — requires fresh evaluation of all the circumstances and criteria that inform a venue determination. The inescapable conclusion is that great local prejudice will prevent a fair trial by an impartial jury, in violation of Mr. Tsarnaev’s constitutional rights to due process of law and a fair trial.

In support of this motion, the defense submits an accompanying Memorandum, the declaration of Josie Smith with attachments (Exhibits 1, 1a, 1b, and 1c), the declaration of Neil Vidmar (Exhibit 2), and also incorporates by reference the substantive filings (with appended exhibits) made in connection with the first venue motion [DE 376, 461], as well as filings concerning “leaks” of non-public information by law enforcement. [DE 280, 336, 438, 616, 680.]

The Court should hold a hearing on this motion and to determine the appropriate district of transfer.

Respectfully submitted,
DZHOKHAR TSARNAEV
by his attorneys

/s/ William W. Fick

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 1, 2014.

/s/ William Fick